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Docket No.

10032.00

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

☒ is attached hereto.

☒ was filed on March 16, 2001 as United States Application No. or PCT International Application Number 09/787,496 and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

			Priority	Not Claimed
PP 5995	Australia	18 September 1998	<input type="checkbox"/>	
(Number)	(Country)	(Day/Month/Year Filed)		
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>	

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/AU99/00791

17 September 1999

(Application Serial No.)

(Filing Date)

Pending

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Dorsey & Whitney LLP -- Customer No. 20686

Send Correspondence to: Lee R. Osman  
Dorsey & Whitney LLP  
Customer No. 20686

Direct Telephone Calls to: (name and telephone number)  
Lee R. Osman (303) 629-3400

100

Full name of sole or first inventor	<u>Keith Mario TORPY</u>
Sole or first inventor's signature	<u>X</u>
Residence	<u>Beecroft, Australia</u> <u>AUX</u>
Citizenship	<u>Australian</u>
Post Office Address	<u>22a Kirkham Street</u>
	<u>Beecroft, NSW 2119, Australia</u>

SEE ADDED PAGE FOR 2ND INVENTOR - REC

Full name of second inventor, if any	<u>S</u>
Second inventor's signature	
Residence	
Citizenship	
Post Office Address	

10032.00

Practitioner's Docket No. \_\_\_\_\_

**ADDED PAGE TO COMBINED DECLARATION  
AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTOR(S)  
ON BEHALF OF NONSIGNING INVENTOR(S) WHO REFUSE(S)  
TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

**WARNING:** 37 C.F.R. § 1.47(a) and 35 U.S.C. § 118 ¶ 2 require all available joint inventors to file an application "on behalf" of themselves and on behalf of a joint inventor who "cannot" be found or reached after diligent effort "or who refuses to join in an application." M.P.E.P. § 409.03(a), 8th ed., rev. 3 (emphasis added). See also 62 Fed. Reg. 53,131, 53,137, 203 O.G. 68 (Oct. 10, 1997).

I. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Full name of (first, second, etc.) David M Gehrig  
nonsigning inventor who

- ☐ refuses to sign  
☒ cannot be found or reached

**NOTE:** The name of the nonsigning inventor(s) should preferably also be filled in at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Country of Citizenship of nonsigning inventor  
Australia

Last known address of nonsigning inventor  
39 Garfield Avenue, Bonnet Bay, NSW, 2226, Australia

**NOTE:** Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given. These can best be given in the Statement Of Facts In Support Of Filing On Behalf Of Omitted Inventor. MPEP § 409.03(a), 8th ed.

II. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR  
(2) THE PETITION FEE OF \$130.00 (37 CFR 1.17(d))

Keith Mario TORPY

(type or print name of joint inventor  
signing on behalf of nonsigning  
inventor)

22a Kirkham Street

Beecroft 2119 NSW

Australia

Signature

*(Keith Torpy)*

*9/08/2007*

### **Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)**

**Docket No.**

10032.00	8558.01
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***This is an Assignment of the following rights, title and interest: (check all that apply):***

- ☒ *United States of America rights, title and interest in the invention*  
☐ *Foreign rights, title and interest in the invention*  
☐ *United States Patent Application Serial No.*

***Date of Execution:***

**Date of Filing:**

- ☐ *United States Provisional Patent Application Serial No.* \_\_\_\_\_
- ☐ *United States Patent No(s).* \_\_\_\_\_
- ☐ *International (PCT) Patent Application Serial No.* \_\_\_\_\_
- ☐ *Other (specify)* \_\_\_\_\_

### Title of the Invention

THIN FILM HEATING ELEMENT

**Inventors (assignors)**

[illegible]**Assignee**

Name	Address
Electrolux Home Products Pty Limited	Page and Holloway Streets, Botany, NSW 2019, Australia

### **Assignment of Rights, Title and Interest in Invention (Multiple inventors; single assignee)**

10032.00      Docket No. ~~1558.52~~

Whereas, we, the above-identified Inventors, have invented certain new and useful improvements in the Invention identified above and described in the above-identified patent application(s) and/or patent(s) (hereinafter referred to as "Invention");

And, whereas we desire to assign our above-identified rights, title and interest in the Invention to the above-identified Assignee;

*Now, this indenture witnesseth, that for good and valuable consideration, the receipt whereof is hereby acknowledged;*

We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuations-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any United States Letters Patent which may issue for said Invention to said Assignee, as assignee of the whole right, title and interest thereto;

And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

Inventors' Signatures (if Notarization is desired, do not sign here and proceed to next page)

[illegible]



THIS AGREEMENT made this 18<sup>th</sup> day of November 1999

**BETWEEN**

David Gehrig, of 39 Garfield Avenue, Bonnet Bay, New South Wales, 2226, Australia ("The Inventor")

**AND**


Email Limited (ACN 000 029 407), of Joynton Avenue, Waterloo, New South Wales, 2017, Australia ("Email")

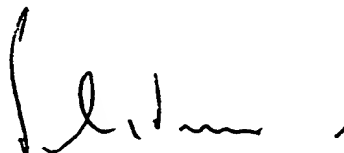
**RECITALS**

- A. The Inventor is a co-inventor of an invention titled "Thin Film Heating Element" ("the Invention").
- B. The Inventor acknowledges that the Invention was made in the course of the Inventors employment by Email and that Email is the owner of the Invention.
- C. Pursuant to the said agreement Email has filed Australian Provisional Patent Application No. PP5995 dated 18 September 1998 and Patent Cooperation Treaty Application No. PCT/AU99/00791 dated 17 September 1999.
- D. The parties desire to record and reduce to writing confirmation of assignment of the Invention.

**AGREEMENT**

1. In consideration of the sum of one dollar (\$1.00) paid by Email the receipt of which the Inventor hereby acknowledges and as an obligation of the Inventor's employment by Email at the time the Invention was made, the Inventor hereby assigns to Email all his rights in and title to the said

  
18.11.99



2. The Inventor will execute and do all such documents and things as may be necessary or proper for legally vesting in Email or its assigns the full benefit of the Invention, including the right to apply for patent or other protection in respect of the Invention and to be constituted the lawful assignees of the Invention, in any part of the world.

SIGNED by the said  
DAVID GEHRIG in the  
presence of


D. G. ...

1111

  
David GEHRIG

**SIGNED for and on behalf of  
Email Limited**

11

  
Signature  
PAUL LE VANASSE

**(Full name of signatory)**  
By his signature of this Agreement  
the Signatory warrants he is duly  
authorised by Email Limited to  
sign this Agreement on its behalf

  
Signature of Witness

THIS AGREEMENT made this 18<sup>th</sup> day of November 1999

**BETWEEN**

David Gehrig, of 39 Garfield Avenue, Bonnet Bay, New South Wales, 2226, Australia ("The Inventor")

**AND**


Email Limited (ACN 000 029 407), of Joynton Avenue, Waterloo, New South Wales, 2017, Australia ("Email")

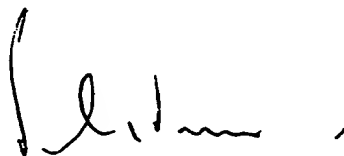
**RECITALS**

- A. The Inventor is a co-inventor of an invention titled "Thin Film Heating Element" ("the Invention").
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1. In consideration of the sum of one dollar (\$1.00) paid by Email the receipt of which the Inventor hereby acknowledges and as an obligation of the Inventor's employment by Email at the time the Invention was made, the Inventor hereby assigns to Email all his rights in and title to the said

  
18.11.99

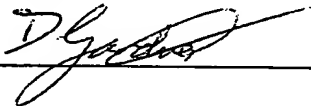


Invention with full power to apply for and obtain patent or other protection in respect of the Invention in Australia and elsewhere.

2. The Inventor will execute and do all such documents and things as may be necessary or proper for legally vesting in Email or its assigns the full benefit of the Invention, including the right to apply for patent or other protection in respect of the Invention and to be constituted the lawful assignees of the Invention, in any part of the world.

Executed by the parties on the first date mentioned above:

SIGNED by the said  
DAVID GEHRIG in the  
presence of

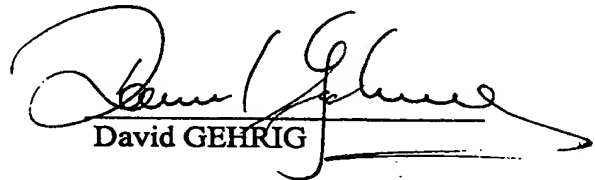
  
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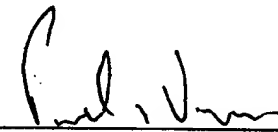
]

  
David GEHRIG

SIGNED for and on behalf of  
Email Limited

]

]

  
\_\_\_\_\_  
Signature  
PAUL LE VANASSOUD

(Full name of signatory)  
By his signature of this Agreement  
the Signatory warrants he is duly  
authorised by Email Limited to  
sign this Agreement on its behalf

  
\_\_\_\_\_  
Signature of Witness

Practitioner's Docket No. 10032.00**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Electrolux Home Products Pty Limited**For: **"Thin Film Heating Element"**

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ Is attached hereto.
- (b) ☒ was filed on 16 March 2001 as Application Serial No. 09/ 787,496 and was amended on \_\_\_\_\_ (if applicable).
- (c) ☐ was described and claimed in International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

**NOTE:** This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☐ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

**NOTE:** The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 7th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

**NOTE:** Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6] page 1 of 8)

**IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS**

**Name**

Paul Le Vavasseure

**Address**

21 Anembo Road, Berowra, NSW, 2081, Australia

**EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND  
OBTAIN INVENTOR'S SIGNATURE**

**NOTE:** In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 applicant should explain what efforts, if any, were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application . . . in the form required by the rules." . . . Accordingly, 37 C.F.R. § 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(c), 7th ed.

*(Use Supplemental Page(s), if necessary)*

**(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 3 of 8)**

**LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR**

**NOTE:** *The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.*

---

Full name of nonsigning inventor

David M Gehrig

---

Last known address of nonsigning inventor

39 Garfield Avenue, Bonnet Bay, NSW, 2226, Australia

---

**NOTE:** *Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.*



**DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR**

**NOTE:** Complete either these facts or the facts as to **REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS.**

**NOTE:** In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO, copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if available, be made part of the declaration. It is important that the affidavit or declaration contain statements of fact as opposed to M.P.E.P. § 409.03(c), 7th ed. conclusions.

1. Application papers forwarded to Mr Gehrig on 3 May 2001 - see attached copy of covering letter.
2. 14 May 2001 - phone call to Mr Gehrig's home. No answer.
3. 17 May 2001 - multiple phone calls to Mr Gehrig's home. Telephone engaged between 7.30pm and 8.30pm.
4. 21 May 2001 - phone call to Mr Gehrig's mobile - no answer. Left message. Message not returned.
5. 28 May 2001 - phone call to Mr Gehrig's mobile - no answer. Left message. Message not returned.
6. 7 June 2001 - phone call to Mr Gehrig's mobile - no answer. Left message. Message not returned.
7. Letter to Halford & Co regarding inability to contact Mr Gehrig.

*(use Supplemental Page(s), if necessary)*

**DETAILS OF REFUSAL OF NONSIGNING INVENTOR  
TO SIGN APPLICATION PAPERS**

**NOTE:** Complete either these facts or the facts as to **DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR**.

**NOTE:** The circumstances of this refusal must be specified by the person to whom the refusal was made and, before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The time and place of an oral refusal should be stated, or a copy of the written refusal should be attached.

If it is the conduct as a whole of the nonsigning inventor that is the refusal, then all the facts upon which this conclusion is based should be stated and a copy of any documentary evidence supporting these facts should be attached.

Where there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

Whenever the nonsigning inventor gives a reason for refusing to sign the application papers, that reason should be stated. M.P.E.P. § 408.03(d), 7th ed.

*(use Supplemental Page(s), if necessary)*

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE  
OR PRESERVE THE RIGHTS OF THE PARTIES**

**NOTE:** This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

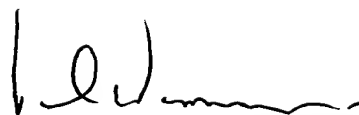
M.P.E.P. § 409.03(g), 7th ed.



*(if this proof is not needed and not being presented,  
then draw a line through this page of the form.)*

*(use Supplemental Page(s), if necessary)*

Date: 18-9-2001



Signature of person making statement

Paul Le Vavasseur

☐ Plus ..... Added Page(s)

(Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor [1-6]—page 8 of 8)